IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.2424 OF 2006

Madanlal Manekchandji Jain ..Plaintiff.
Vs.
M/s. Cotton Clothing Co. & Ors. ..Defendants.

....

Mr. Bhavik P. Manek i/b Mr. Tushar Goradia for the Plaintiff.
None for the Defendants.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

10th April, 2007.

P.C. :

The suit under Order 37 of the Code of Civil Procedure, 1908 is based on goods sold, supplied and delivered under the six invoices. The invoices were between 11th August, 2003 and 27th August, 2003 in the total amount of Rs.1,86,760/-. The suit was instituted on 10th August, 2006 which is within the period of limitation. An advocate's notice dated 25th May, 2006 was addressed to the Defendants to which there is no reply.

2. The Defendants have not entered appearance despite

service of the writ of summons. An affidavit of service has been filed. A compilation of the original documents has also been filed on the basis of which the claim is established. The claim in the suit falls within the purview of Order 37 of the Code of Civil Procedure. The suit is accordingly decreed as prayed subject to the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court Fess, if any, as per rules.